

STATEMENT OF PURPOSE

RS21687C1

The purpose of this legislation is to: 1) ensure that an act of exchanging anything of value for sexual conduct or contact with a minor is a felony carrying a potential life sentence; 2) require those convicted of doing so, or attempting to do so, to register as a sex offender; and 3) to provide that those who induce a minor into prostitution or procure a person for use as a prostitute forfeit the proceeds gained and/or property used to commit the crime.

Pursuant to Idaho's current prostitution statutes, the act of patronizing a prostitute is a misdemeanor, unless convicted three or more times. (See §15-5614, Idaho Code.) Section 18-5609, Idaho Code, does provide that it is a felony to induce or attempt to induce a minor into prostitution. However, it is unclear whether this would apply to a person who purchased a minor for sexual activity or only to a person who convinced the minor to engage in prostitution. In addition, because this statute is limited to the current definition of prostitution, exchanging sexual conduct for a fee, it does not address various circumstances in which a minor is "paid" for sexual conduct through other means, including the provision of food, clothing, drugs, or membership in a criminal gang. Proposed §18-5609A, Idaho Code, would make it clear that a person who exchanges, or offers to exchange, anything of value for sexual conduct or sexual contact with a minor is guilty of a felony facing possible life imprisonment.

The proposed amendment to §18-8304, Idaho Code, would make utilizing a person under eighteen years of age for prostitution a registerable offense, ensuring that those convicted of purchasing a minor for purposes of engaging in sexual conduct or contact have to register as sex offenders. This is in accordance with all of Idaho's other statutes addressing sexual crimes against children.

Idaho does not currently have a criminal forfeiture law related to prostitution. Proposed §18-5612, Idaho Code, would provide that anyone who is convicted of either inducing a person under eighteen years of age into prostitution or procuring a prostitute forfeit property gained as the result of the crime or property used to commit or facilitate the commission of the crime. This would divest the offender of the profits of selling people for sexual conduct.

FISCAL NOTE

An exact measure of the fiscal impact of this legislation cannot be accurately calculated due to a number of factors. Currently, there are no mechanisms for gathering data on the number of cases involving the utilization of minors for prostitution. As a result, the number of possible cases involving this felony crime cannot be predicted. In addition, prosecutors have the discretion of whether and how to prosecute crimes, and it is impossible to know the extent to which prosecutors will choose to use this statute. Finally, any increase in incarceration costs cannot be determined in the absence of evidence of the number of convictions that will be obtained. Based upon these unknown variables, an exact fiscal impact cannot currently be calculated.

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